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TO THE HONOURABLE A. A. WISHART, Q.C.,
ATTORNEY-GENERAL FOR ONTARIO

Dear Mr. Attorney:

Your Commission, after considering the provisions of Bill No. 108, 1964, in conference with Mr. A. A. Russell, Q.C., as requested in your letter of February 23, 1965, makes the following recommendations. (Throughout the references are to the proposed amendments to section 7 of The Wages Act as set out in Bill No. 108).

1. There should be a prohibition against an assignment of wages as part of or immediately associated with a conditional sale agreement but this should not prevent a creditor under a conditional sale agreement on which there has been substantial default from taking an assignment of wages with respect to sums that have fallen due under the agreement and remain unpaid.
2. Any wage assignment associated with a loan or guarantee should be contained in a document separate from that evidencing the loan or the guarantee.
3. The figure of 25 per cent as set out in subsection 2 should be retained.

4. The whole of the 25 per cent referred to in subsection 2 should be available for seizure or attachment but not more than 12 per cent should be available for assignment.

5. The provisions in subsection 3 for application to a County Judge for relief should be retained.

6. The figure of 18 per cent in subsection 10 (a) should read "12 per cent". Otherwise, the subsection should be adopted as it is.

7. The obligation of the employer with respect to a wage assignment should cease upon payment of the last wages due. (See subsection 11).

8. The marginal note "Interpleader" to subsection 13 should be eliminated. Provision should be made to enable the employer to make a summary application similar in principle to that provided by section 181 of The Insurance Act, Statutes of Ontario 1961-62, Chapter 63, section 4, to a Judge of the County Court for leave to pay money into Court under the circumstances set out in subsection 13. The subsection as it now reads, providing for payment into Court without an order of the Court, would be difficult to administer and contrary to present practice.

9. A cut-off date in relation to existing documents should be fixed at approximately two years from the date when the Bill comes into force. (See section 3 (2)).

All of which is respectfully submitted.

"J. C. McRuer"

James C. McRuer, Chairman

"H. Allan Leal"

H. Allan Leal, Commissioner

"R. A. Bell"

Richard A. Bell, Commissioner

"W. Gibson Gray"

W. Gibson Gray, Commissioner

"W. R. Poole"

William R. Poole, Commissioner

March 3, 1965.

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